

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05cr40027

United States of America

v.

Darryl Young

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-10 and 12-44

and contained in Volume(s) 1 are copies of the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 7/1/07. They may be discarded after use.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on 7/9/07.

Sarah A Thornton, Clerk of Court

By: /s/ Kathy Hassett
Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: _____.

Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

**RETURN TO: US DISTRICT COURT
595 MAIN STREET, SUITE 502
WORCESTER, MA 01608**

APPEAL, VICTIM

**United States District Court
District of Massachusetts (Worcester)
CRIMINAL DOCKET FOR CASE #: 4:05-cr-40027-FDS All Defendants
Internal Use Only**

Case title: USA v. Young

Date Filed: 05/18/2005

Assigned to: Judge F. Dennis Saylor, IV

Defendant

Darryl Young (1)

represented by **James G. Reardon, Jr.**

Reardon & Reardon
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18:111(a)(1) Assault on a Federal
Employee
(1)

Disposition

The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 151 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 4 years. It is further ordered that the defendant pay to the United States a special assessment of \$100.00 and restitution in the amount of \$50,969.00.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff





USA













represented by **John M. Hodgens, Jr.**














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TERMINATED: 06/08/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED













Suzanne M. Sullivan












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Date Filed	#	Docket Text
05/18/2005	 1	MOTION to Seal Case as to Darryl Youngby USA. (Shattuck, Deborah) (Entered: 05/18/2005)
05/18/2005		Judge Charles B. Swartwood : Electronic ORDER entered granting 1 Motion to Seal Case as to Darryl Young (1). "Allowed." (Shattuck, Deborah) (Entered: 05/18/2005)
05/18/2005	 2	SEALED INDICTMENT as to Darryl Young (1) count(s) 1. (Shattuck, Deborah) (Entered: 05/18/2005)
05/18/2005		Judge F. Dennis Saylor IV: Electronic ORDER entered. ORDER REFERRING CASE to Magistrate Judge Charles B. Swartwood Reason for referral: Pretrial as to Darryl Young (Shattuck, Deborah) (Entered: 05/18/2005)











05/18/2005	 3	MOTION to Unseal Case as to Darryl Youngby USA. (Hassett, Kathy) Additional attachment(s) added on 5/19/2005 (Hassett, Kathy). (Entered: 05/18/2005)
05/18/2005		Judge Charles B. Swartwood : Electronic ORDER entered granting 3 Motion to Unseal Case as to Darryl Young (1). "ALLOWED." cc/cl (Roland, Lisa) (Entered: 05/18/2005)
06/16/2005	 4	Letter (non-motion) regarding warrant as to Darryl Young (Hassett, Kathy) (Entered: 06/17/2005)
06/16/2005	 5	MOTION to Dismiss as to Darryl Young. (Hassett, Kathy) (Entered: 06/17/2005)
06/30/2005	 6	MOTION to Dismiss as to Darryl Young, c/s. (Jones, Sherry) (Entered: 07/01/2005)
08/15/2005	 7	Letter (non-motion) regarding injuries as to Darryl Young (Jones, Sherry) (Entered: 08/15/2005)
09/26/2005	 8	MOTION to Appoint Counsel as to Darryl Young. (Hassett, Kathy) (Entered: 09/29/2005)
10/03/2005	 9	Writ of Habeas Corpus ad Prosequendum Issued as to Darryl Young for 10/14/2005 (Roland, Lisa) (Entered: 10/03/2005)
10/03/2005		Set Hearings as to Darryl Young: Arraignment set for 10/14/2005 02:15 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. Initial Appearance set for 10/14/2005 02:15 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. (Roland, Lisa) (Entered: 10/03/2005)
11/02/2005	 10	Writ of Habeas Corpus ad Prosequendum Issued as to Darryl Young for 10/20/2005 (Roland, Lisa) (Entered: 11/02/2005)
11/02/2005		Reset Hearings as to Darryl Young: Arraignment set for 11/3/2005 10:00 AM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. Initial Appearance set for 11/3/2005 10:00 AM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. (Roland, Lisa) (Entered: 11/02/2005)
11/03/2005		ElectronicClerk's Notes for proceedings held before Judge Charles B. Swartwood :Arraignment as to Darryl Young (1) Count 1 held on 11/3/2005, Initial Appearance as to Darryl Young held on 11/3/2005, Case called, Counsel (Hodgens, Reardon), PTS Cuascut & Defendant appear, Financial affidavit filed, Defendant notified of rights, charges & maximum penalties, Not Guilty Plea entered by Darryl Young (1) on Count 1, Scheduling Order issued, The Court Orders all pro-se pleadings withdrawn, Government moves for detention and a hearing on that issue is postponed until such time that Defendant has completed serving his current sentence, Defendant remanded to the custody of the US Marshals. (Digital Recording 12:26 P.) (Roland, Lisa) (Entered: 11/03/2005)







11/03/2005	 12	Judge Charles B. Swartwood : CJA 20 as to Darryl Young: Appointment of Attorney James G. Reardon, Jr for Darryl Young. (Roland, Lisa) (Entered: 11/04/2005)
11/03/2005	 13	NOTICE OF HEARING as to Darryl Young; Status Conference set for 12/15/2005 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 11/04/2005)
11/03/2005	 14	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Darryl Young; Time excluded from November 3, 2005 until November 17, 2005, cc/cl. (Roland, Lisa) (Entered: 11/04/2005)
11/03/2005	 15	Judge Charles B. Swartwood : SCHEDULING ORDER as to Darryl Young, cc/cl. (Roland, Lisa) (Entered: 11/04/2005)
11/04/2005		Judge Charles B. Swartwood : ElectronicORDER entered withdrawing <u>5</u> Motion to Dismiss as to Darryl Young (1); withdrawing <u>6</u> Motion to Dismiss as to Darryl Young (1); finding as moot <u>8</u> Motion to Appoint Counsel as to Darryl Young (1), cc/cl. (Roland, Lisa) (Entered: 11/04/2005)
11/18/2005	 16	Assented To MOTION for Extension of Time to November 21, 2005 for production of Automatic Discovery as to Darryl Youngby USA. (Hassett, Kathy) (Entered: 11/18/2005)
11/22/2005	 17	NOTICE of discovery by USA as to Darryl Young. (Jones, Sherry) (Entered: 11/22/2005)
11/23/2005		Judge Charles B. Swartwood : Electronic ORDER entered granting <u>16</u> Motion for Extension of Time as to Darryl Young (1). "ALLOWED." cc/cl (Roland, Lisa) (Entered: 11/23/2005)
01/13/2006	 18	MOTION to Exclude <i>time and for Status Conference</i> as to Darryl Youngby USA. (Hodgens, John) (Entered: 01/13/2006)
01/17/2006		Judge Charles B. Swartwood : Electronic ORDER entered granting <u>18</u> Motion for Status Conference and to Exclude Time as to Darryl Young (1). "ALLOWED. Further Status Conference shall be held on 1/20/2006 @ 2:00 pm." cc/cl (Roland, Lisa) (Entered: 01/18/2006)
01/19/2006		ElectronicClerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Darryl Young held on 1/19/2006. Case called, Counsel (Hennessy, Reardon) appear, Counsel request additional time, Oral Motion to Exclude Time. Case continued to April 19, 2006 @ 2:00 pm, Status Report and Order on Excludable Time to issue. (Digital Recording 10:38 A.) (Roland, Lisa) (Entered: 01/19/2006)
01/19/2006		Oral MOTION for Excludable Delay as to Darryl Youngby USA. (Roland, Lisa) (Entered: 01/19/2006)
01/20/2006	 19	Judge Charles B. Swartwood : STATUS REPORT as to Darryl Young; Status Conference set for 4/19/2006 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 01/20/2006)

		01/28/2006)
01/20/2006	 20	Judge Charles B. Swartwood : ORDER of Excludable Time as to Darryl Young (1). Time excluded from November 17, 2005 through April 19, 2006, cc/cl. (Roland, Lisa) Modified on 1/30/2006 (Jones, Sherry). (Entered: 01/28/2006)
02/21/2006	 21	Case as to Darryl Young assigned to Judge Timothy S. Hillman. Judge Charles B. Swartwood no longer assigned to the case. (Hassett, Kathy) Additional attachment(s) added on 3/3/2006 (Jones, Sherry). (Entered: 02/21/2006)
03/01/2006		Set/Reset Hearings as to Darryl Young: Status Conference set for 4/19/2006 02:00 PM before Magistrate Judge Timothy S. Hillman. (Entered to correct hearing assignment from MJ Swartwood to MJ Hillman) (Hurley, Virginia) (Entered: 03/01/2006)
04/14/2006	 22	NOTICE OF ATTORNEY APPEARANCE Suzanne M. Sullivan appearing for USA. (Sullivan, Suzanne) (Entered: 04/14/2006)
04/17/2006	 23	<i>Joint Submission of the Parties under Local Rule 116.5(A)</i> by USA as to Darryl Young (Sullivan, Suzanne) Modified on 4/18/2006 (Jones, Sherry). (Entered: 04/17/2006)
04/19/2006		ElectronicClerk's Notes for proceedings held before Judge Timothy S. Hillman :Status Conference as to Darryl Young held on 4/19/2006. Case called, Counsel (Sullivan-by telephone, Reardon) appear, Counsel request additional time, Oral Motion to Exclude Time, Case continued, Status Report and Order on Excludable Time to issue. (Digital Recording 2:13 p.) (Roland, Lisa) (Entered: 04/27/2006)
04/19/2006		Oral MOTION for Excludable Delay as to Darryl Youngby USA. (Roland, Lisa) (Entered: 04/27/2006)
04/24/2006	 24	Judge Timothy S. Hillman : STATUS REPORT as to Darryl Young; Status Conference set for 5/31/2006 02:15 PM in Courtroom I before Magistrate Judge Timothy S. Hillman, cc/cl. (Roland, Lisa) (Entered: 04/27/2006)
04/24/2006	 25	Judge Timothy S. Hillman : ORDER of Excludable Time as to Darryl Young (1). Time excluded from April 19, 2006 through May 31, 2006, cc/cl. (Roland, Lisa) (Entered: 04/27/2006)
05/25/2006	 26	SEALED MOTION as to Darryl Young. (Roland, Lisa) (Entered: 05/25/2006)
05/26/2006	 27	JOINT SUBMISSION pursuant to Local Rule 116.5(C) as to Darryl Young <i>final status conference report</i> (Sullivan, Suzanne) (Entered: 05/26/2006)
05/31/2006		ElectronicClerk's Notes for proceedings held before Judge Timothy S. Hillman :Status Conference as to Darryl Young held on 5/31/2006. Case called, Counsel (Foley, Reardon) appear by telephone, Counsel request

		additional time, Oral Motion to Exclude Time, Status Report and Order on Excludable Time to issue. (Digital Recording 2:23 p.) (Roland, Lisa) (Entered: 05/31/2006)
05/31/2006		Oral MOTION for Excludable Delay as to Darryl Youngby USA. (Roland, Lisa) (Entered: 05/31/2006)
06/02/2006	 28	Judge Timothy S. Hillman : STATUS REPORT as to Darryl Young; Status Conference set for 8/14/2006 02:00 PM IN BOSTON, Courtroom 16 before Magistrate Judge Timothy S. Hillman, cc/cl. (Roland, Lisa) (Entered: 06/07/2006)
06/02/2006	 29	Judge Timothy S. Hillman : ORDER of Excludable Time as to Darryl Young (1). Time excluded from May 31, 2006 through August 14, 2006, cc/cl. (Roland, Lisa) (Entered: 06/07/2006)
06/08/2006		Judge F. Dennis Saylor IV: Electronic ORDER entered granting 26 Sealed Motion as to Darryl Young (1). (Castles, Martin) (Entered: 06/08/2006)
06/08/2006		Attorney update in case as to Darryl Young. Attorney John M. Hodgens, Jr terminated. (Castles, Martin) (Entered: 06/08/2006)
08/14/2006	 30	JOINT SUBMISSION pursuant to Local Rule 116.5(C) as to Darryl Young <i>Final Status Conference Report</i> (Sullivan, Suzanne) (Entered: 08/14/2006)
08/14/2006		ElectronicClerk's Notes for proceedings held before Judge Timothy S. Hillman :Status Conference as to Darryl Young held on 8/14/2006. Case called, Counsel (Sullivan, Reardon-by telephone) appear, Counsel request that case be sent back to District Judge, Final Status Report to issue. (Digital Recording 2:16 p.) (Roland, Lisa) (Entered: 08/14/2006)
08/15/2006	 31	Judge Timothy S. Hillman : Final STATUS REPORT as to Darryl Young, cc/cl. (Roland, Lisa) (Entered: 08/24/2006)
08/24/2006		Case as to Darryl Young no longer referred to Magistrate Judge Timothy S. Hillman. (Roland, Lisa) (Entered: 08/24/2006)
08/24/2006		ELECTRONIC NOTICE OF HEARING as to Darryl Young: Pretrial Conference set for 9/14/2006 at 3:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 08/24/2006)
09/14/2006		ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Pretrial Conference as to Darryl Young held on 9/14/2006, Case called, Counsel appear for pretrial conference, Parties request more to time to try to resolve case for the reasons stated on the record, Court grants request and sets a further status conference; Status Conference set for Tuesday 10/17/2006 at 2:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. Parties agree to exclude time between 9/13/06 and 10/17/06 in the interest of justice under the Speedy Trial Act, Order to issue.(Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 09/14/2006)

09/15/2006	 32	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Darryl Young Time excluded from 9/14/06 until 10/17/06. (Castles, Martin) (Entered: 09/15/2006)
10/17/2006		ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Status Conference as to Darryl Young held on 10/17/2006, Case called, Counsel appear for status conference, Parties inform court of current status of case re: plea or trial, Court sets case for trial and sets a final pretrial conference and further status conference: Jury Trial set for Monday 12/18/2006 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. Pretrial Conference set for Wednesday 12/13/2006 at 3:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. Status Conference set for Thursday 11/16/2006 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. Court orders the time between 10/17/06 and 11/16/06 be excluded under the speedy trial act.(Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 10/17/2006)
10/17/2006	 33	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Darryl Young Time excluded from 10/17/06 until 11/16/06. (Castles, Martin) (Entered: 10/17/2006)
11/03/2006	 34	Second MOTION for Authorization of Services or Funds as to Darryl Young. (Reardon, James) Additional attachment(s) added on 11/8/2006 (Jones, Sherry). (Entered: 11/03/2006)
11/03/2006	 35	Joint MOTION to Continue <i>trial date</i> to 03/07 to trial as to Darryl Youngby USA. (Sullivan, Suzanne) (Entered: 11/03/2006)
11/07/2006		Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>34</u> Motion for Authorization of Services or Funds as to Darryl Young (1). (Castles, Martin) (Entered: 11/07/2006)
11/07/2006		Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>35</u> Motion to Continue trial as to Darryl Young (1).The new trial date will be set at the Status conference which will be rescheduled to Monday 11/20/2006 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 11/07/2006)
11/15/2006		Terminate Deadlines and Hearings as to Darryl Young: Jury trial set for 12/18/06 and final pretrial conference set for 12/13/06 are hereby cancelled. (Castles, Martin) (Entered: 11/15/2006)
11/20/2006		ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Status Conference as to Darryl Young held on 11/20/2006, Case called, Counsel appear for status conference, Court sets case for trial and sets further hearings as well as pretrial filing dates: Jury Trial set for 3/26/2007 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. Pretrial Conference set for 3/21/2007 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. Status Conference set for 1/18/2007 at 2:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. In limine motions due by 3/14/07, Responses due by 3/19/07, Proposed voir dire questions,

		Proposed jury instructions, Proposed exhibit/witness lists, Proposed verdict form and any trial briefs all due by 3/14/07, Court orders time excluded under the speedy trial act between 11/20/06 and 1/18/07.(Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 11/20/2006)
11/22/2006	 36	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Darryl Young Time excluded from 11/20/06 until 1/18/07. (Castles, Martin) (Entered: 11/22/2006)
01/18/2007		ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Status Conference as to Darryl Young held on 1/18/2007, Case called, Counsel appear for status conference, Parties inform court that case is still ready for trial and trial date of 3/26/07 is still expected, Trial expected to last 1 week, Pretrial filing dates remain as ordered on 11/20/06, Court orders time excluded between 1/18/07 and 3/21/07 under the speedy trial act. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 01/18/2007)
01/18/2007	 37	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Darryl Young Time excluded from 1/18/07 until 3/21/07. (Castles, Martin) (Entered: 01/18/2007)
02/26/2007	 38	Writ of Habeas Corpus ad Prosequendum Issued as to Darryl Young for 3/9/07 (Castles, Martin) Additional attachment(s) added on 2/26/2007 (Castles, Martin). (Entered: 02/26/2007)
03/20/2007		Reset Hearing as to Darryl Young: Pretrial Conference reset for Friday 3/23/2007 at 11:30AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 03/20/2007)
03/21/2007	 39	WITNESS LIST by USA as to Darryl Young (Sullivan, Suzanne) Modified on 3/22/2007 (Jones, Sherry). (Entered: 03/21/2007)
03/21/2007	 40	Proposed Voir Dire by USA as to Darryl Young (Sullivan, Suzanne) (Entered: 03/21/2007)
03/23/2007		ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Pretrial Conference as to Darryl Young held on 3/23/2007, Case called, Counsel appear for final pretrial conference, Dft requests case be set for Rule 11 Hearing, Court grants request and sets case for Change of Plea hearing: Change of Plea Hearing set for Tuesday 3/27/2007 at 2:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 03/23/2007)
03/23/2007		Terminate Deadlines and Hearings as to Darryl Young: (Castles, Martin) (Entered: 03/23/2007)
03/27/2007		ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Change of Plea Hearing as to Darryl Young held on 3/27/2007, Case called, Counsel and dft appear for Rule 11 Hearing, Dft changes plea of not-guilty and enters a plea of GUILTY to count 1, Plea entered by Darryl Young (1), Guilty Count 1. Sentencing set for Thursday 6/21/2007

		at 2:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. Procedural order re: sentencing to issue, Dft remanded to the custody of the U.S. Marshal.(Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 03/27/2007)
03/27/2007	 41	Judge F. Dennis Saylor IV: ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Darryl Young Sentencing set for 6/21/2007 at 2:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 03/27/2007)
03/30/2007	 42	SEALED MOTION as to Darryl Young. (Jones, Sherry) (Entered: 03/30/2007)
03/30/2007		Judge F. Dennis Saylor IV: Electronic ORDER entered granting 42 Sealed Motion as to Darryl Young (1). (Castles, Martin) (Entered: 03/30/2007)
06/15/2007	 43	SENTENCING MEMORANDUM by Darryl Young (Reardon, James) (Entered: 06/15/2007)
06/21/2007		Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Sentencing held on 6/21/2007 for Darryl Young (1), Count(s) 1, Case called, Counsel and dft appear for sentencing, The Court sentences the defendant as follows: The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 151 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 4 years. It is further ordered that the defendant pay to the United States a special assessment of \$100.00 and restitution in the amount of \$50,969.00. The defendant is remanded to the custody of the U.S. Marshal. (Court Reporter M. Kusa-Ryll.)(Castles, Martin) (Entered: 06/21/2007)
07/01/2007	 44	NOTICE OF APPEAL by Darryl Young NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 7/23/2007. (Reardon, James) (Entered: 07/01/2007)